



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**ONE HUNDREDTH GENERAL ASSEMBLY**

**121ST LEGISLATIVE DAY**

**WEDNESDAY, MAY 9, 2018**

**1:04 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**121st Legislative Day**

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The Senate met pursuant to adjournment.  
Honorable John J. Cullerton, President of the Senate, presiding.  
Prayer by Sister Jean Dolores Schmidt, Loyola Ramblers' Team Chaplain, Chicago, Illinois.  
Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, May 8, 2018, be postponed, pending arrival of the printed Journal.  
The motion prevailed.

**LEGISLATIVE MEASURES FILED**

The following Committee amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

- Amendment No. 1 to House Bill 128
- Amendment No. 1 to House Bill 1336
- Amendment No. 1 to House Bill 2617
- Amendment No. 1 to House Bill 2624
- Amendment No. 1 to House Bill 3479
- Amendment No. 2 to House Bill 3479
- Amendment No. 3 to House Bill 3479
- Amendment No. 1 to House Bill 4324
- Amendment No. 1 to House Bill 4420
- Amendment No. 1 to House Bill 4516
- Amendment No. 1 to House Bill 4583
- Amendment No. 1 to House Bill 4821
- Amendment No. 1 to House Bill 5502
- Amendment No. 1 to House Bill 5553
- Amendment No. 1 to House Bill 5752

The following Floor amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

- Amendment No. 1 to House Bill 5247

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

- Amendment No. 2 to Senate Bill 370
- Amendment No. 3 to Senate Bill 370
- Amendment No. 2 to Senate Bill 2892
- Amendment No. 3 to Senate Bill 3103
- Amendment No. 3 to Senate Bill 3488

**MESSAGES FROM THE PRESIDENT**

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

JOHN J. CULLERTON  
SENATE PRESIDENT

327 STATE CAPITOL  
SPRINGFIELD, IL 62706  
217-782-2728

May 9, 2018

Mr. Tim Anderson  
Secretary of the Senate

[May 9, 2018]

Room 403 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby extend the committee and 3<sup>rd</sup> Reading deadlines to May 11, 2018, for the following Senate bills:

276, 337, 355, 2591, 2494, 2598 and 3100.

Sincerely,  
s/John J. Cullerton  
John J. Cullerton  
Senate President

cc: Senate Republican Leader Bill Brady

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

JOHN J. CULLERTON  
SENATE PRESIDENT

327 STATE CAPITOL  
SPRINGFIELD, IL 62706  
217-782-2728

May 9, 2018

Mr. Tim Anderson  
Secretary of the Senate  
Room 401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 2-10, I am cancelling Session scheduled for Friday, May 11, 2018.

When the Senate adjourns on Thursday, May 10, the Senate will reconvene on Tuesday, May 15, 2018.

Sincerely,  
s/John J. Cullerton  
John J. Cullerton  
Senate President

cc: Senate Minority Leader William Brady

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION NO. 1708**

Offered by Senator Anderson and all Senators:  
Mourns the death of William H. "Bill" Teichman of East Moline.

**SENATE RESOLUTION NO. 1709**

Offered by Senator Anderson and all Senators:  
Mourns the death of Alan J. Hoffman of Moline.

**SENATE RESOLUTION NO. 1710**

Offered by Senator Anderson and all Senators:  
Mourns the death of Stephen C. "Steve" VanEarwage of Rock Island.

[May 9, 2018]

**SENATE RESOLUTION NO. 1711**

Offered by Senator Anderson and all Senators:  
Mourns the death of Daniel W. "Whitey" Frank of Moline.

**SENATE RESOLUTION NO. 1712**

Offered by Senator Anderson and all Senators:  
Mourns the death of Phillip V. "Phil" "Butch" Tubbs of Moline.

**SENATE RESOLUTION NO. 1713**

Offered by Senator Hunter and all Senators:  
Mourns the death of John A. Thornton.

**SENATE RESOLUTION NO. 1714**

Offered by Senator Connelly and all Senators:  
Mourns the death of Peter H. Huizenga of Oak Brook.

**SENATE RESOLUTION NO. 1715**

Offered by Senator Brady and all Senators:  
Mourns the death of Peter H. Huizenga of Oak Brook.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

**REPORTS FROM STANDING COMMITTEES**

Senator Bertino-Tarrant, Chairperson of the Committee on Education, to which was referred **Senate Resolution No. 1647**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 1647** was placed on the Secretary's Desk.

Senator Bertino-Tarrant, Chairperson of the Committee on Education, to which was referred **House Bills Numbered 1265, 4208, 4226, 4284, 4369, 4442, 4657, 4742, 4870, 4908, 5005, 5062, 5136, 5153, 5175, 5195, 5196, 5481, 5770 and 5795**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Bertino-Tarrant, of the Committee on Education, to which was referred **House Bill No. 5588**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Van Pelt, Chairperson of the Committee on Public Health, to which was referred **House Bills Numbered 1042, 1338, 1447, 4331, 4392, 4428, 4515, 4707, 4745, 4848, 4892, 5011 and 5111**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Van Pelt, Chairperson of the Committee on Public Health, to which was referred **House Bill No. 4771**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Van Pelt, Chairperson of the Committee on Public Health, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 175

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator T. Cullerton, Chairperson of the Committee on Veterans Affairs, to which was referred **House Bills Numbered 4288, 4317, 4954 and 5682**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator McGuire, Chairperson of the Committee on Higher Education, to which was referred **House Bills Numbered 4346, 4467, 4781, 4858, 4882 and 5696**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Raoul, Chairperson of the Committee on Judiciary, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 2387

Senate Amendment No. 2 to Senate Bill 3103

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Raoul, Chairperson of the Committee on Judiciary, to which was referred **House Bills Numbered 128, 4268, 4319, 4594, 4754, 4867, 4879, 4911, 4951, 5047, 5077, 5147, 5155, 5157, 5690 and 5745**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Raoul, Chairperson of the Committee on Judiciary, to which was referred **House Bill No. 4949**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Morrison, Chairperson of the Committee on Human Services, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2382

Senate Amendment No. 1 to Senate Bill 2898

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Morrison, Chairperson of the Committee on Human Services, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 351

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Morrison, Chairperson of the Committee on Human Services, to which was referred **House Bills Numbered 1443, 4340, 4665, 4686, 4885, 4887, 4936, 4965, 5104, 5109, 5257, 5558, 5599 and 5636**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Morrison, Chairperson of the Committee on Human Services, to which was referred **House Bills Numbered 4687, 5308 and 5463**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

[May 9, 2018]

Senator Bennett, Chairperson of the Committee on Criminal Law, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2271

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Bennett, Chairperson of the Committee on Criminal Law, to which was referred **House Bills Numbered 4741, 5267, 5494 and 5597**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Bennett, Chairperson of the Committee on Criminal Law, to which was referred **House Bill No. 4191**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 2804

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **Senate Joint Resolution No. 62**, reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Joint Resolution No. 62** was placed on the Secretary's Desk.

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **House Bills Numbered 4416 and 4846**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **House Bills Numbered 4259, 5056 and 5856**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Landek, Vice-Chairperson of the Committee on Local Government, to which was referred **House Bills Numbered 1190, 4697 and 5303**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred **House Bills Numbered 4404, 4710, 5141 and 5497**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Bush, Chairperson of the Committee on Government Reform, to which was referred **House Bill No. 1010**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Biss, Chairperson of the Committee on Labor, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2707

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Biss, Chairperson of the Committee on Labor, to which was referred **Senate Resolution No. 1561**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 1561** was placed on the Secretary's Desk.

Senator Biss, Chairperson of the Committee on Labor, to which was referred **House Bills Numbered 126, 127, 1595, 4572, 4677, 4743, 5221 and 5595**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

### MESSAGE FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

### HOUSE JOINT RESOLUTION NO. 93

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to individuals who gave their lives in service to their communities; and

WHEREAS, Trooper Ryan Matthew Albin was born in Urbana to Robert C. and Rebecca A. Cohoon Albin on November 16, 1979; he graduated from Blue Ridge High School in Farmer City, where he was a multi-sport athlete; he attended Eureka College, where he received numerous conference honors in football; and

WHEREAS, Trooper Albin was accepted into Illinois State Police Academy Class 111; he was assigned to District 6 in Pontiac, where he served for over 11 years; he was awarded the 2015 District 6 Officer of the Year; he was also awarded numerous department commendations and awards for his exemplary criminal interdiction work and DUI enforcement; and

WHEREAS, Trooper Albin was a member of the National Criminal Enforcement Association; he served as a juvenile officer and a Fraternal Order of Police trustee; he attended Trinity Community Fellowship in Farmer City; and

WHEREAS, Trooper Albin passed away in the line of duty on June 28, 2017; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate Interstate 74 as it travels from mile post 155 to 160 near Farmer City as the "Trooper Ryan Albin Memorial Highway"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name "Trooper Ryan Albin Memorial Highway"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Trooper Albin, Farmer City Acting Mayor Scott Kelley, and the Secretary of Transportation.

[May 9, 2018]



Adopted by the House, May 8, 2018.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 93 was referred to the Committee on Assignments.

### **READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME**

**House Bill No. 4513**, sponsored by Senator Hastings, was taken up, read by title a first time and referred to the Committee on Assignments.

At the hour of 1:13 o'clock p.m., Senator Lightford, presiding.

### **CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK**

Senator Hunter moved that **Senate Resolution No. 1582**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Hunter moved that Senate Resolution No. 1582 be adopted.

The motion prevailed.

And the resolution was adopted.

At the hour of 1:34 o'clock p.m., President Cullerton, presiding, for the introduction of special guests.

At the hour of 1:43 o'clock p.m., Senator Lightford, presiding.

### **CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK**

Senator Sims moved that **Senate Resolution No. 1613**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Sims moved that Senate Resolution No. 1613 be adopted.

The motion prevailed.

And the resolution was adopted.

At the hour of 1:54 o'clock p.m., Senator Martinez, presiding

At the hour of 2:04 o'clock p.m., Senator Lightford, presiding

### **REPORT FROM COMMITTEE ON ASSIGNMENTS**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 9, 2018 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture: **HOUSE BILL 5440**.

Education: **HOUSE BILLS 4368, 5754 and 5786; Committee Amendment No. 2 to House Bill 4768; Floor Amendment No. 1 to House Bill 5247**.

[May 9, 2018]

Environment and Conservation: **Committee Amendment No. 1 to Senate Resolution No. 1534.**

Executive: **Floor Amendment No. 1 to Senate Bill 275.**

Human Services: **HOUSE BILL 682; Committee Amendment No. 1 to House Bill 3479; Committee Amendment No. 2 to House Bill 3479; Committee Amendment No. 3 to House Bill 3479.**

Insurance: **Committee Amendment No. 1 to House Bill 1336; Committee Amendment No. 1 to House Bill 2617; Committee Amendment No. 1 to House Bill 2624; Committee Amendment No. 1 to House Bill 4516; Committee Amendment No. 1 to House Bill 4821.**

Judiciary: **Committee Amendment No. 1 to House Bill 128.**

Licensed Activities and Pensions: **HOUSE BILLS 5137, 5212 and 5342; Committee Amendment No. 1 to House Bill 5502.**

Public Health: **HOUSE BILL 5069.**

State Government: **Floor Amendment No. 2 to Senate Bill 44; Committee Amendment No. 1 to House Bill 4348; Committee Amendment No. 1 to House Bill 4420; Floor Amendment No. 1 to House Bill 4751; Committee Amendment No. 1 to House Bill 4888.**

Transportation: **SENATE BILL 2494; Floor Amendment No. 2 to Senate Bill 2804; Committee Amendment No. 2 to House Bill 4472.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 9, 2018 meeting, reported that the Committee recommends that **House Bill No. 4508** be re-referred from the Committee on Energy and Public Utilities to the Committee on Executive.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 9, 2018 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

State Government: **Senate Joint Resolution No. 70.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 9, 2018 meeting, reported that the following Legislative Measures have been approved for consideration:

**Floor Amendment No. 3 to Senate Bill 3103**

**Floor Amendment No. 3 to Senate Bill 3488**

The foregoing floor amendments were placed on the Secretary's Desk.

**Senate Resolution No. 1700**

The foregoing resolution was placed on the Secretary's Desk.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 9, 2018 meeting, to which was referred **Senate Bill No. 276** on August 4, 2017, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 276** was returned to the order of third reading.

[May 9, 2018]

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 9, 2018 meeting, to which was referred **Senate Bills Numbered 337, 355, 2591 and 2598** on May 3, 2018, pursuant to Rule 3-9(a), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **Senate Bills Numbered 337, 355, 2591 and 2598** were returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 9, 2018 meeting, to which was referred **House Bill No. 4433**, reported the same back with the recommendation that the bill be placed on the order of second reading without recommendation to committee.

Pursuant to Senate Rule 3-8 (b-1), the following amendments will remain in the Committee on Assignments: **Floor Amendment No. 1 to Senate Bill 545; Committee Amendment No. 1 to House Bill 5147**

### LEGISLATIVE MEASURE FILED

The following Floor amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to Senate Bill 2591

### REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 9, 2018 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Energy and Public Utilities: **Floor Amendment No. 1 to Senate Bill 2591.**

### CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Murphy moved that **Senate Resolution No. 1437**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Murphy moved that Senate Resolution No. 1437 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Aquino moved that **Senate Resolution No. 1595**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Aquino moved that Senate Resolution No. 1595 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Martinez moved that **Senate Joint Resolution No. 67**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Martinez moved that Senate Joint Resolution No. 67 be adopted.

And on that motion, a call of the roll was had resulting as follows:

YEAS 56; NAYS None.

[May 9, 2018]

The following voted in the affirmative:

Althoff	Cunningham	McCann	Rose
Anderson	Curran	McCarter	Sandoval
Aquino	Fowler	McConchie	Schimpf
Barickman	Haine	McConnaughay	Sims
Bennett	Harmon	McGuire	Stadelman
Bertino-Tarrant	Holmes	Morrison	Steans
Biss	Hunter	Mulroe	Syverson
Bivins	Hutchinson	Muñoz	Tracy
Brady	Jones, E.	Murphy	Van Pelt
Bush	Koehler	Nybo	Weaver
Castro	Landek	Oberweis	Mr. President
Clayborne	Lightford	Raoul	
Collins	Link	Rezin	
Connelly	Manar	Righter	
Cullerton, T.	Martinez	Rooney	

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

#### READING BILL OF THE SENATE A SECOND TIME

On motion of Senator Murphy, **Senate Bill No. 2447** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Special Committee on Oversight of Medicaid Managed Care.

There being no further amendments, the bill was ordered to a third reading.

#### POSTING NOTICE WAIVED

Senator Clayborne moved to waive the six-day posting requirement on **House Bill No. 4508** so that the measure may be heard in the Committee on Executive that is scheduled to meet this afternoon.

The motion prevailed.

#### SENATE BILL RECALLED

On motion of Senator Collins, **Senate Bill No. 2341** was recalled from the order of third reading to the order of second reading.

Senator Collins offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO SENATE BILL 2341

AMENDMENT NO. 1. Amend Senate Bill 2341

"Section 5. The Illinois Controlled Substances Act is amended by changing Sections 102 and 204 as follows:

(720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Addict" means any person who habitually uses any drug, chemical, substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self control with reference to his or her addiction.

[May 9, 2018]

(b) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient, research subject, or animal (as defined by the Humane Euthanasia in Animal Shelters Act) by:

- (1) a practitioner (or, in his or her presence, by his or her authorized agent),
- (2) the patient or research subject pursuant to an order, or
- (3) a euthanasia technician as defined by the Humane Euthanasia in Animal Shelters Act.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, dispenser, prescriber, or practitioner. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes:

- (i) 3[beta],17-dihydroxy-5a-androstane,
- (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,
- (iii) 5[alpha]-androstan-3,17-dione,
- (iv) 1-androstenediol (3[beta],  
17[beta]-dihydroxy-5[alpha]-androst-1-ene),
- (v) 1-androstenediol (3[alpha],  
17[beta]-dihydroxy-5[alpha]-androst-1-ene),
- (vi) 4-androstenediol  
(3[beta],17[beta]-dihydroxy-androst-4-ene),
- (vii) 5-androstenediol  
(3[beta],17[beta]-dihydroxy-androst-5-ene),
- (viii) 1-androstenedione  
(5[alpha]-androst-1-en-3,17-dione),
- (ix) 4-androstenedione  
(androst-4-en-3,17-dione),
- (x) 5-androstenedione  
(androst-5-en-3,17-dione),
- (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-  
hydroxyandrost-4-en-3-one),
- (xii) boldenone (17[beta]-hydroxyandrost-  
1,4,-diene-3-one),
- (xiii) boldione (androsta-1,4-  
diene-3,17-dione),
- (xiv) calusterone (7[beta],17[alpha]-dimethyl-17  
[beta]-hydroxyandrost-4-en-3-one),
- (xv) clostebol (4-chloro-17[beta]-  
hydroxyandrost-4-en-3-one),
- (xvi) dehydrochloromethyltestosterone (4-chloro-  
17[beta]-hydroxy-17[alpha]-methyl-  
androst-1,4-dien-3-one),
- (xvii) desoxymethyltestosterone (17[alpha]-methyl-5[alpha]  
-androst-2-en-17[beta]-ol)(a.k.a., madol),
- (xviii) [delta]1-dihydrotestosterone (a.k.a.  
'1-testosterone') (17[beta]-hydroxy-  
5[alpha]-androst-1-en-3-one),
- (xix) 4-dihydrotestosterone (17[beta]-hydroxy-  
androstan-3-one),
- (xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-  
5[alpha]-androstan-3-one),
- (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-  
hydroxyestr-4-ene),
- (xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-  
1[beta],17[beta]-dihydroxyandrost-4-en-3-one),
- (xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],  
17[beta]-dihydroxyandrost-1,4-dien-3-one),
- (xxiv) furazabol (17[alpha]-methyl-17[beta]-  
hydroxyandrostano[2,3-c]-furazan),

- (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one, )
- (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-androst-4-en-3-one),
- (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxy-estr-4-en-3-one),
- (xxviii) mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5-androstan-3-one),
- (xxix) mesterolone (1-methyl-17[beta]-hydroxy-5[alpha]-androstan-3-one),
- (xxx) methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one),
- (xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene),
- (xxxii) methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one),
- (xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxy-5a-androstane),
- (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy-5a-androstane),
- (xxxv) 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene),
- (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),
- (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one),
- (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9-11-trien-3-one),
- (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one),
- (xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-hydroxyestr-4-en-3-one),
- (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone (17[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one)(a.k.a. '17-[alpha]-methyl-1-testosterone'),
- (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),
- (xliiii) 19-nor-4-androstenediol (3[beta], 17[beta]-dihydroxyestr-4-ene),
- (xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-dihydroxyestr-4-ene),
- (xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-dihydroxyestr-5-ene),
- (xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-dihydroxyestr-5-ene),
- (xlvii) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione),
- (xlviii) 19-nor-4-androstenedione (estr-4-en-3,17-dione),
- (xlix) 19-nor-5-androstenedione (estr-5-en-3,17-dione),
- (l) norbolethone (13[beta], 17a-diethyl-17[beta]-hydroxygon-4-en-3-one),
- (li) norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one),
- (lii) norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one),
- (liiii) normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one),
- (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-

- 2-oxa-5[alpha]-androstan-3-one),  
 (lv) oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrost-4-en-3-one),  
 (lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-(5[alpha]-androstan-3-one),  
 (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-(5[alpha]-androst-2-eno[3,2-c]-pyrazole),  
 (lviii) stenbolone (17[beta]-hydroxy-2-methyl-(5[alpha]-androst-1-en-3-one),  
 (lix) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone),  
 (lx) testosterone (17[beta]-hydroxyandrost-4-en-3-one),  
 (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one),  
 (lxii) trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one).

Any person who is otherwise lawfully in possession of an anabolic steroid, or who otherwise lawfully manufactures, distributes, dispenses, delivers, or possesses with intent to deliver an anabolic steroid, which anabolic steroid is expressly intended for and lawfully allowed to be administered through implants to livestock or other nonhuman species, and which is approved by the Secretary of Health and Human Services for such administration, and which the person intends to administer or have administered through such implants, shall not be considered to be in unauthorized possession or to unlawfully manufacture, distribute, dispense, deliver, or possess with intent to deliver such anabolic steroid for purposes of this Act.

(d) "Administration" means the Drug Enforcement Administration, United States Department of Justice, or its successor agency.

(d-5) "Clinical Director, Prescription Monitoring Program" means a Department of Human Services administrative employee licensed to either prescribe or dispense controlled substances who shall run the clinical aspects of the Department of Human Services Prescription Monitoring Program and its Prescription Information Library.

(d-10) "Compounding" means the preparation and mixing of components, excluding flavorings, (1) as the result of a prescriber's prescription drug order or initiative based on the prescriber-patient-pharmacist relationship in the course of professional practice or (2) for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale or dispensing. "Compounding" includes the preparation of drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed dispensing patterns. Commercially available products may be compounded for dispensing to individual patients only if both of the following conditions are met: (i) the commercial product is not reasonably available from normal distribution channels in a timely manner to meet the patient's needs and (ii) the prescribing practitioner has requested that the drug be compounded.

(e) "Control" means to add a drug or other substance, or immediate precursor, to a Schedule whether by transfer from another Schedule or otherwise.

(f) "Controlled Substance" means (i) a drug, substance, immediate precursor, or synthetic drug in the Schedules of Article II of this Act or (ii) a drug or other substance, or immediate precursor, designated as a controlled substance by the Department through administrative rule. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in the Liquor Control Act of 1934 and the Tobacco Products Tax Act of 1995.

(f-5) "Controlled substance analog" means a substance:

(1) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II;

(2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; or

(3) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.

(g) "Counterfeit substance" means a controlled substance, which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship.

(i) "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(j) (Blank).

(k) "Department of Corrections" means the Department of Corrections of the State of Illinois or its successor agency.

(l) "Department of Financial and Professional Regulation" means the Department of Financial and Professional Regulation of the State of Illinois or its successor agency.

(m) "Depressant" means any drug that (i) causes an overall depression of central nervous system functions, (ii) causes impaired consciousness and awareness, and (iii) can be habit-forming or lead to a substance abuse problem, including but not limited to alcohol, cannabis and its active principles and their analogs, benzodiazepines and their analogs, barbiturates and their analogs, opioids (natural and synthetic) and their analogs, and chloral hydrate and similar sedative hypnotics.

(n) (Blank).

(o) "Director" means the Director of the Illinois State Police or his or her designated agents.

(p) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(q) "Dispenser" means a practitioner who dispenses.

(r) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.

(s) "Distributor" means a person who distributes.

(t) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure of any function of the body of man or animals and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(t-3) "Electronic health record" or "EHR" means an electronic record of health-related information on an individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff.

(t-4) "Emergency medical services personnel" has the meaning ascribed to it in the Emergency Medical Services (EMS) Systems Act.

(t-5) "Euthanasia agency" means an entity certified by the Department of Financial and Professional Regulation for the purpose of animal euthanasia that holds an animal control facility license or animal shelter license under the Animal Welfare Act. A euthanasia agency is authorized to purchase, store, possess, and utilize Schedule II nonnarcotic and Schedule III nonnarcotic drugs for the sole purpose of animal euthanasia.

(t-10) "Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) that are used by a euthanasia agency for the purpose of animal euthanasia.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his or her treatment for a pathology or condition other than that individual's physical or psychological dependence upon or addiction to a controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards including, but not limited to the following, in making the judgment:

(1) lack of consistency of prescriber-patient relationship,

(2) frequency of prescriptions for same drug by one prescriber for large numbers of patients,

(3) quantities beyond those normally prescribed,

(4) unusual dosages (recognizing that there may be clinical circumstances where more or less than the usual dose may be used legitimately),

(5) unusual geographic distances between patient, pharmacist and prescriber,



(6) consistent prescribing of habit-forming drugs.

(u-0.5) "Hallucinogen" means a drug that causes markedly altered sensory perception leading to hallucinations of any type.

(u-1) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.

(u-5) "Illinois State Police" means the State Police of the State of Illinois, or its successor agency.

(v) "Immediate precursor" means a substance:

(1) which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;

(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and

(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(a) statements made by the owner or person in control of the substance concerning its nature, use or effect;

(b) statements made to the buyer or recipient that the substance may be resold for profit;

(c) whether the substance is packaged in a manner normally used for the illegal distribution of controlled substances;

(d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

Clause (1) of this subsection (y) shall not apply to a noncontrolled substance in its finished dosage form that was initially introduced into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble.

Nothing in this subsection (y) prohibits the dispensing or distributing of noncontrolled substances by persons authorized to dispense and distribute controlled substances under this Act, provided that such action would be deemed to be carried out in good faith under subsection (u) if the substances involved were controlled substances.

Nothing in this subsection (y) or in this Act prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

(y-1) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance other than methamphetamine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that this term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his or her own use; or

(2) by a practitioner, or his or her authorized agent under his or her supervision, the preparation, compounding, packaging, or labeling of a controlled substance:

(a) as an incident to his or her administering or dispensing of a controlled

substance in the course of his or her professional practice; or

(b) as an incident to lawful research, teaching or chemical analysis and not for sale.

(z-1) (Blank).

(z-5) "Medication shopping" means the conduct prohibited under subsection (a) of Section 314.5 of this Act.

(z-10) "Mid-level practitioner" means (i) a physician assistant who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches, in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987, (ii) an advanced practice registered nurse who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches or by a podiatric physician, in accordance with Section 65-40 of the Nurse Practice Act, (iii) an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act, (iv) an animal euthanasia agency, or (v) a prescribing psychologist.

(aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation; however the term "narcotic drug" does not include the isoquinoline alkaloids of opium;

(2) (blank);

(3) opium poppy and poppy straw;

(4) coca leaves, except coca leaves and extracts of coca leaves from which substantially all of the cocaine and ecgonine, and their isomers, derivatives and salts, have been removed;

(5) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(6) ecgonine, its derivatives, their salts, isomers, and salts of isomers;

(7) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraphs (1) through (6).

(bb) "Nurse" means a registered nurse licensed under the Nurse Practice Act.

(cc) (Blank).

(dd) "Opiate" means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability.

(ee) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(ee-5) "Oral dosage" means a tablet, capsule, elixir, or solution or other liquid form of medication intended for administration by mouth, but the term does not include a form of medication intended for buccal, sublingual, or transmucosal administration.

(ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency.

(gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(hh) "Pharmacist" means any person who holds a license or certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act.

(ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act.

(ii-5) "Pharmacy shopping" means the conduct prohibited under subsection (b) of Section 314.5 of this Act.

(ii-10) "Physician" (except when the context otherwise requires) means a person licensed to practice medicine in all of its branches.

(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, optometrist, podiatric physician, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice registered nurse, licensed practical nurse, registered nurse, emergency medical services personnel, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to,

administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(ll) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance; the term does not mean a written prescription that is individually generated by machine or computer in the prescriber's office.

(mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, optometrist, prescribing psychologist licensed under Section 4.2 of the Clinical Psychologist Licensing Act with prescriptive authority delegated under Section 4.3 of the Clinical Psychologist Licensing Act, podiatric physician, or veterinarian who issues a prescription, a physician assistant who issues a prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, an advanced practice registered nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act and in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act, an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act and in accordance with Section 303.05, or an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has full practice authority pursuant to Section 65-43 of the Nurse Practice Act.

(nn) "Prescription" means a written, facsimile, or oral order, or an electronic order that complies with applicable federal requirements, of a physician licensed to practice medicine in all its branches, dentist, podiatric physician or veterinarian for any controlled substance, of an optometrist in accordance with Section 15.1 of the Illinois Optometric Practice Act of 1987, of a prescribing psychologist licensed under Section 4.2 of the Clinical Psychologist Licensing Act with prescriptive authority delegated under Section 4.3 of the Clinical Psychologist Licensing Act, of a physician assistant for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, of an advanced practice registered nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act who issues a prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act, of an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act and in accordance with Section 303.05 when required by law, or of an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has full practice authority pursuant to Section 65-43 of the Nurse Practice Act.

(nn-5) "Prescription Information Library" (PIL) means an electronic library that contains reported controlled substance data.

(nn-10) "Prescription Monitoring Program" (PMP) means the entity that collects, tracks, and stores reported data on controlled substances and select drugs pursuant to Section 316.

(oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance other than methamphetamine.

(pp) "Registrant" means every person who is required to register under Section 302 of this Act.

(qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State.

(qq-5) "Secretary" means, as the context requires, either the Secretary of the Department or the Secretary of the Department of Financial and Professional Regulation, and the Secretary's designated agents.

(rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(rr-5) "Stimulant" means any drug that (i) causes an overall excitation of central nervous system functions, (ii) causes impaired consciousness and awareness, and (iii) can be habit-forming or lead to a substance abuse problem, including but not limited to amphetamines and their analogs, methylphenidate and its analogs, cocaine, and phencyclidine and its analogs.

(rr-10) "Synthetic drug" includes, but is not limited to, any synthetic cannabinoids or piperazines or any synthetic cathinones as provided for in Schedule I.

(ss) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

(Source: P.A. 99-78, eff. 7-20-15; 99-173, eff. 7-29-15; 99-371, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642, eff. 7-28-16; 100-280, eff. 1-1-18; 100-453, eff. 8-25-17; 100-513, eff. 1-1-18; revised 10-6-17.)

(720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

Sec. 204. (a) The controlled substances listed in this Section are included in Schedule I.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetylmethadol;
  - (1.1) Acetyl-alpha-methylfentanyl  
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- (2) Allylprodine;
- (3) Alphacetylmethadol, except levo-alphacetylmethadol (also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
  - (4) Alphameprodine;
  - (5) Alphamethadol;
  - (6) Alpha-methylfentanyl  
(N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl) propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine;
    - (6.1) Alpha-methylthiofentanyl  
(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
  - (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
    - (7.1) PEPAP
- (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
  - (8) Benzethidine;
  - (9) Betacetylmethadol;
    - (9.1) Beta-hydroxyfentanyl  
(N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
  - (10) Betameprodine;
  - (11) Betamethadol;
  - (12) Betaprodine;
  - (13) Clonitazene;
  - (14) Dextromoramide;
  - (15) Diampromide;
  - (16) Diethylthiambutene;
  - (17) Difenoxin;
  - (18) Dimenoxadol;
  - (19) Dimpheptanol;
  - (20) Dimethylthiambutene;
  - (21) Dioxaphetylbutyrate;
  - (22) Dipipanone;
  - (23) Ethylmethylthiambutene;
  - (24) Etonitazene;
  - (25) Etoxadine;
  - (26) Furethidine;
  - (27) Hydroxypethidine;
  - (28) Ketobemidone;
  - (29) Levomoramide;
  - (30) Levophenacymorphan;
  - (31) 3-Methylfentanyl  
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
    - (31.1) 3-Methylthiofentanyl  
(N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
  - (32) Morpheridine;
  - (33) Noracymethadol;

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- (34) Norlevorphanol;
- (35) Normethadone;
- (36) Norpipanone;
- (36.1) Para-fluorofentanyl  
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);
- (37) Phenadoxone;
- (38) Phenampromide;
- (39) Phenomorphan;
- (40) Phenoperidine;
- (41) Piritramide;
- (42) Proheptazine;
- (43) Properidine;
- (44) Propiram;
- (45) Racemoramide;
- (45.1) Thiofentanyl  
(N-phenyl-N-[1-(2-thienyl)ethyl]-4-piperidinyl]-propanamide);
- (46) Tilidine;
- (47) Trimeperidine;
- (48) Beta-hydroxy-3-methylfentanyl (other name:  
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
- (49) Furanyl fentanyl (FU-F);
- (50) Butyryl fentanyl;
- (51) Valeryl fentanyl;
- (52) Acetyl fentanyl;
- (53) Beta-hydroxy-thiofentanyl;
- (54) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (U-47700);
- (55) 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide (W-18);
- (56) 4-chloro-N-[1-(2-phenylethyl)-2-piperidinylidene]-benzenesulfonamide (W-15);
- (57) acrylfentanyl (acryloylfentanyl).

(c) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine;
- (2) Acetyldihydrocodeine;
- (3) Benzylmorphine;
- (4) Codeine methylbromide;
- (5) Codeine-N-Oxide;
- (6) Cyprenorphine;
- (7) Desomorphine;
- (8) Diacetyldihydromorphine (Dihydroheroin);
- (9) Dihydromorphine;
- (10) Drotebanol;
- (11) Etorphine (except hydrochloride salt);
- (12) Heroin;
- (13) Hydromorphanol;
- (14) Methyldesorphine;
- (15) Methyldihydromorphine;
- (16) Morphine methylbromide;
- (17) Morphine methylsulfonate;
- (18) Morphine-N-Oxide;
- (19) Myrophine;

- (20) Nicocodeine;
- (21) Nicomorphine;
- (22) Normorphine;
- (23) Pholcodine;
- (24) Thebacon.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for the purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

- (1) 3,4-methylenedioxyamphetamine (alpha-methyl,3,4-methylenedioxyphenethylamine, methylenedioxyamphetamine, MDA);
  - (1.1) Alpha-ethyltryptamine (some trade or other names: etryptamine; MONASE; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)indole; a-ET; and AET);
    - (2) 3,4-methylenedioxymethamphetamine (MDMA);
      - (2.1) 3,4-methylenedioxy-N-ethylamphetamine (also known as: N-ethyl-alpha-methyl-3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE, and MDEA);
        - (2.2) N-Benzylpiperazine (BZP);
        - (2.2-1) Trifluoromethylphenylpiperazine (TFMPP);
        - (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);
        - (4) 3,4,5-trimethoxyamphetamine (TMA);
        - (5) (Blank);
        - (6) Diethyltryptamine (DET);
        - (7) Dimethyltryptamine (DMT);
          - (7.1) 5-Methoxy-diallyltryptamine;
          - (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);
          - (9) Ibogaine (some trade and other names: 7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',2':1,2] azepero [5,4-b] indole; Tabernanthe iboga);
          - (10) Lysergic acid diethylamide;
          - (10.1) Salvinorin A;
          - (10.5) Salvia divinorum (meaning all parts of the plant presently classified botanically as Salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of that plant, and every compound, manufacture, salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, derivative, mixture, or preparation of that plant, its seeds or extracts);
            - (11) 3,4,5-trimethoxyphenethylamine (Mescaline);
            - (12) Peyote (meaning all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of that plant, and every compound, manufacture, salts, derivative, mixture, or preparation of that plant, its seeds or extracts);
              - (13) N-ethyl-3-piperidyl benzilate (JB 318);
              - (14) N-methyl-3-piperidyl benzilate;
              - (14.1) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);
              - (15) Parahexyl; some trade or other names: 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo (b,d) pyran; Synhexyl;
              - (16) Psilocybin;
              - (17) Psilocyn;
              - (18) Alpha-methyltryptamine (AMT);
              - (19) 2,5-dimethoxyamphetamine

(2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

(20) 4-bromo-2,5-dimethoxyamphetamine

(4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;  
4-bromo-2,5-DMA);

(20.1) 4-Bromo-2,5 dimethoxyphenethylamine.

Some trade or other names: 2-(4-bromo-  
2,5-dimethoxyphenyl)-1-aminoethane;

alpha-desmethyl DOB, 2CB, Nexus;

(21) 4-methoxyamphetamine

(4-methoxy-alpha-methylphenethylamine;  
paramethoxyamphetamine; PMA);

(22) (Blank);

(23) Ethylamine analog of phencyclidine.

Some trade or other names:

N-ethyl-1-phenylcyclohexylamine,

(1-phenylcyclohexyl) ethylamine,

N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

(24) Pyrrolidine analog of phencyclidine. Some trade or other names:

1-(1-phenylcyclohexyl) pyrrolidine, PCPy, PHP;

(25) 5-methoxy-3,4-methylenedioxy-amphetamine;

(26) 2,5-dimethoxy-4-ethylamphetamine

(another name: DOET);

(27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine

(another name: TCPy);

(28) (Blank);

(29) Thiophene analog of phencyclidine (some trade  
or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;  
2-thienyl analog of phencyclidine; TPCP; TCP);

(29.1) Benzothiophene analog of phencyclidine. Some trade or other names: BTCP or  
benocyclidine;

(29.2) 3-Methoxyphencyclidine (3-MeO-PCP);

(30) Bufotenine (some trade or other names:

3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;

3-(2-dimethylaminoethyl)-5-indolol;

5-hydroxy-N,N-dimethyltryptamine;

N,N-dimethylserotonin; mappine);

(31) (Blank);

(32) (Blank);

(33) (Blank);

(34) (Blank);

(34.5) (Blank);

(35) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-  
(2-methyloctan-2-yl)-6a,7,

10,10a-tetrahydrobenzo[c]chromen-1-ol

Some trade or other names: HU-210;

(35.5) (6aS,10aS)-9-(hydroxymethyl)-6,6-  
dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-  
tetrahydrobenzo[c]chromen-1-ol, its isomers,  
salts, and salts of isomers; Some trade or other  
names: HU-210, Dexanabinol;

(36) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-  
6,6-dimethyl-3-(2-methyloctan-2-yl)-

6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

Some trade or other names: HU-211;

(37) (Blank);

(38) (Blank);

(39) (Blank);

(40) (Blank);

(41) (Blank);

(42) Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include, but are not limited to, JWH-018, AM-2201, JWH-175, JWH-184, and JWH-185;

(43) Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include, but are not limited to, JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;

(44) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include, but are not limited to, JWH-176;

(45) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent. Examples of this structural class include, but are not limited to, JWH-167, JWH-250, JWH-251, and RCS-8;

(46) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not substituted in the cyclohexyl ring to any extent. Examples of this structural class include, but are not limited to, CP 47, 497 and its C8 homologue (cannabicyclohexanol);

(46.1) Any compound structurally derived from 3-(benzoyl) indole with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples of this structural class include, but are not limited to, AM-630, AM-2233, AM-694, Pravadoline (WIN 48,098), and RCS-4;

(47) (Blank);

(48) (Blank);

(49) (Blank);

(50) (Blank);

(51) (Blank);

(52) (Blank);

(53) 2,5-Dimethoxy-4-(n)-propylthio-phenethylamine, Some trade or other names: 2C-T-7;

(53.1) 4-ethyl-2,5-dimethoxyphenethylamine, Some trade or other names: 2C-E;

(53.2) 2,5-dimethoxy-4-methylphenethylamine, Some trade or other names: 2C-D;

(53.3) 4-chloro-2,5-dimethoxyphenethylamine, Some trade or other names: 2C-C;

(53.4) 4-iodo-2,5-dimethoxyphenethylamine, Some trade or other names: 2C-I;

(53.5) 4-ethylthio-2,5-dimethoxyphenethylamine, Some trade or other names: 2C-T-2;

(53.6) 2,5-dimethoxy-4-isopropylthio-phenethylamine, Some trade or other names: 2C-T-4;

(53.7) 2,5-dimethoxyphenethylamine, Some trade or other names: 2C-H;

(53.8) 2,5-dimethoxy-4-nitrophenethylamine, Some trade or other names: 2C-N;

(53.9) 2,5-dimethoxy-4-(n)-propylphenethylamine, Some trade or other names: 2C-P;

(53.10) 2,5-dimethoxy-3,4-dimethylphenethylamine, Some trade or other names: 2C-G;

(53.11) The N-(2-methoxybenzyl) derivative of any 2C phenethylamine referred to in subparagraphs (20.1), (53), (53.1), (53.2), (53.3), (53.4), (53.5), (53.6), (53.7), (53.8), (53.9), and (53.10) including, but not limited to, 25I-NBOMe and 25C-NBOMe;

(54) 5-Methoxy-N,N-diisopropyltryptamine;

(55) (Blank);

(56) (Blank);

(57) (Blank);

(58) (Blank);



(59) 3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent: including, but not limited to, XLR11, UR144, FUB-144;

(60) 3-adamantoylindole with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent: including, but not limited to, AB-001;

(61) N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent: including, but not limited to, APICA/2NE-1, STS-135;

(62) N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent: including, but not limited to, AKB48, 5F-AKB48;

(63) 1H-indole-3-carboxylic acid 8-quinolinyl ester with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indole ring to any extent, whether or not substituted on the quinoline ring to any extent: including, but not limited to, PB22, 5F-PB22, FUB-PB-22;

(64) 3-(1-naphthyl)indazole with substitution at the nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the naphthyl ring to any extent: including, but not limited to, THJ-018, THJ-2201;

(65) 2-(1-naphthyl)benzimidazole with substitution at the nitrogen atom of the benzimidazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the benzimidazole ring to any extent, whether or not substituted on the naphthyl ring to any extent: including, but not limited to, FUBIMINA;

(66) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide with substitution on the nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, AB-PINACA, AB-FUBINACA, AB-CHMINACA;

(67) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide with substitution on the nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, ADB-PINACA, ADB-FUBINACA;

(68) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-indole-3-carboxamide with substitution on the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indole ring to any extent: including, but not limited to, ADBICA, 5F-ADBICA;

(69) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indole-3-carboxamide with substitution on the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indole ring to any extent: including, but not limited to, ABICA, 5F-ABICA;

(70) Methyl 2-(1H-indazole-3-carboxamido)-3-methylbutanoate with substitution on the nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, AMB, 5F-AMB;

(71) Methyl 2-(1H-indazole-3-carboxamido)-3,3-dimethylbutanoate with substitution on

the nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, 5-fluoro-MDMB-PINACA, MDMB-FUBINACA;

(72) Methyl 2-(1H-indole-3-carboxamido)-3- methylbutanoate with substitution on the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, MMB018, MMB2201, and AMB-CHMICA;

(73) Methyl 2-(1H-indole-3-carboxamido)-3,3- dimethylbutanoate with substitution on the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, MDMB-CHMICA;

(74) N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H- indazole-3-carboxamide with substitution on the nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, APP-CHMINACA, 5-fluoro-APP-PINACA;

(75) N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-indole- 3-carboxamide with substitution on the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, APP-PICA and 5-fluoro-APP-PICA;

(76) 4-Acetoxy-N,N-dimethyltryptamine: trade name 4-AcO-DMT;

(77) 5-Methoxy-N-methyl-N-isopropyltryptamine: trade name 5-MeO-MIPT;

(78) 4-hydroxy Diethyltryptamine (4-HO-DET);

(79) 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET);

(80) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);

(81) 4-hydroxy-N-methyl-N-isopropyltryptamine (4-HO-MiPT);

(82) Fluorophenylpiperazine;

(83) Methoxetamine;

(84) 1-(Ethylamino)-2-phenylpropan-2-one (iso- ethcathinone).

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) mecloqualone;

(2) methaqualone; and

(3) gamma hydroxybutyric acid.

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Fenethylamine;

(2) N-ethylamphetamine;

(3) Aminorex (some other names:

2-amino-5-phenyl-2-oxazoline; aminoxaphen;

4-5-dihydro-5-phenyl-2-oxazolamine) and its salts, optical isomers, and salts of optical isomers;

(4) Methcathinone (some other names:

2-methylamino-1-phenylpropan-1-one;

Ephedrone; 2-(methylamino)-propiofenone;

alpha-(methylamino)propiofenone; N-methylcathinone;

methcathinone; Monomethylpropion; UR 1431) and its salts, optical isomers, and salts of optical isomers;

(5) Cathinone (some trade or other names:

2-aminopropiofenone; alpha-aminopropiofenone;

2-amino-1-phenyl-propanone; norephedrone);

(6) N,N-dimethylamphetamine (also known as:

N,N-alpha-trimethyl-benzeneethanamine;

N,N-alpha-trimethylphenethylamine);

(7) (+ or -) cis-4-methylaminorex ((+ or -) cis-4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine);

(8) 3,4-Methylenedioxypyrovalerone (MDPV);

(9) Halogenated amphetamines and methamphetamines - any compound derived from either amphetamine or methamphetamine through the substitution of a halogen on the phenyl ring, including, but not limited to, 2-fluoroamphetamine, 3-fluoroamphetamine and 4-fluoroamphetamine;

(10) Aminopropylbenzofuran (APB): including 4-(2-Aminopropyl) benzofuran, 5-(2-Aminopropyl)benzofuran, 6-(2-Aminopropyl) benzofuran, and 7-(2-Aminopropyl) benzofuran;

(11) Aminopropyl-dihydrobenzofuran (APDB): including 4-(2-Aminopropyl)-2,3-dihydrobenzofuran, 5-(2-Aminopropyl)-2,3-dihydrobenzofuran, 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, and 7-(2-Aminopropyl)-2,3-dihydrobenzofuran;

(12) Methylaminopropylbenzofuran (MAPB): including 4-(2-methylaminopropyl) benzofuran, 5-(2-methylaminopropyl)benzofuran, 6-(2-methylaminopropyl)benzofuran and 7-(2-methylaminopropyl)benzofuran.

(g) Temporary listing of substances subject to emergency scheduling. Any material, compound, mixture, or preparation that contains any quantity of the following substances:

(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, isomers, salts, and salts of isomers;

(2) N-[1(2-thienyl) methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts, and salts of isomers.

(h) Synthetic cathinones. Unless specifically excepted, any chemical compound which is not approved by the United States Food and Drug Administration or, if approved, is not dispensed or possessed in accordance with State or federal law, not including bupropion, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in one or more of the following ways:

(1) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents. Examples of this class include, but are not limited to, 3,4-Methylenedioxycathinone (bk-MDA);

(2) by substitution at the 3-position with an acyclic alkyl substituent. Examples of this class include, but are not limited to, 2-methylamino-1-phenylbutan-1-one (buphedrone); or

(3) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure. Examples of this class include, but are not limited to, Dimethylcathinone, Ethcathinone, and a-Pyrrolidinopropiophenone (a-PPP); or -

Any other synthetic cathinone which is not approved by the United States Food and Drug Administration or, if approved, is not dispensed or possessed in accordance with State or federal law.

(i) Synthetic cannabinoids or piperazines. Any synthetic cannabinoid or piperazine which is not approved by the United States Food and Drug Administration or, if approved, which is not dispensed or possessed in accordance with State and federal law.

(Source: P.A. 99-371, eff. 1-1-16; 100-201, eff. 8-18-17; 100-368, eff. 1-1-18; revised 10-5-17)."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

**READING BILL OF THE SENATE A THIRD TIME**

[May 9, 2018]

On motion of Senator Collins, **Senate Bill No. 2341** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Martinez	Righter
Anderson	Curran	McCann	Rooney
Aquino	Fowler	McCarter	Rose
Barickman	Haine	McConchie	Sandoval
Bennett	Harmon	McConnaughay	Schimpf
Bertino-Tarrant	Holmes	McGuire	Sims
Biss	Hunter	Morrison	Stadelman
Brady	Hutchinson	Mulroe	Steans
Bush	Jones, E.	Muñoz	Syverson
Castro	Koehler	Murphy	Tracy
Clayborne	Landek	Nybo	Van Pelt
Collins	Lightford	Oberweis	Weaver
Connelly	Link	Raoul	Mr. President
Cullerton, T.	Manar	Rezin	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

### SENATE BILL RECALLED

On motion of Senator Castro, **Senate Bill No. 3103** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was withdrawn by the sponsor.

Senator Castro offered the following amendment and moved its adoption:

#### AMENDMENT NO. 3 TO SENATE BILL 3103

AMENDMENT NO. 3. Amend Senate Bill 3103 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Immigrant Tenant Protection Act.

Section 5. Definitions. In this Act:

"Dwelling unit" means a room or suite of rooms, a manufactured home rental unit or lot as defined in Section 3 of the Mobile Home Landlord and Tenant Rights Act, or other residential real estate used for human habitation, and for which a landlord and a tenant have a written or oral lease agreement.

"Immigration or citizenship status" includes a person's actual immigration status or citizenship status.

"Landlord" means the owner, agent, lessor, or sublessor, or the successor in interest of any of them, of a dwelling unit, or the building of which it is part, and any person authorized to exercise any aspect of the management of the premises, including any person who directly or indirectly receives rents and has no obligation to deliver the whole of the receipts to another person. "Landlord" includes the owner of a mobile home park.

"Tenant" means a person entitled by written or oral agreement, subtenancy approved by the landlord or by sufferance, or law to occupy a dwelling unit to the exclusion of others.

Section 10. Prohibited conduct.

[May 9, 2018]

(a) This Section does not prohibit a landlord from complying with any legal obligation under federal, State, or local law, including, but not limited to, any legal obligation under any government program that provides for rent limitations or rental assistance to a qualified tenant or a subpoena, warrant, or other court order.

(b) This Section does not prohibit a landlord from requesting information or documentation necessary to determine or verify the financial qualifications of a prospective tenant.

(c) This Section does not prohibit a landlord from delivering to the tenant an oral or written notice regarding conduct by the tenant that violates, may violate, or has violated an applicable rental agreement, including the lease or any rule, regulation, or law.

(d) This Section does not enlarge or diminish a landlord's right to terminate a tenancy pursuant to existing State or local law, nor does this Act enlarge or diminish the ability of a unit of local government to regulate or enforce a prohibition against a landlord's harassment of a tenant.

(e) Nothing in this Section prevents a landlord from seeking to collect rent due under the lease agreement.

(f) Except as otherwise provided in this Section, a landlord shall not:

(1) unless required by law or court order, threaten to disclose or actually disclose information regarding or relating to the immigration or citizenship status of a tenant to any person, entity, or any immigration or law enforcement agency with the intent of harassing or intimidating the tenant, retaliating against the tenant for exercising his or her rights, or influencing the tenant to surrender possession; or

(2) unless required by law or court order, bring an action to recover possession of a dwelling unit based solely or in part on the immigration or citizenship status of a tenant.

(g) Any waiver of a right under this Act by a tenant is void as a matter of public policy.

#### Section 15. Remedies.

(a) If a landlord engages in prohibited conduct described in subsection (f) of Section 10 against a tenant, the tenant may bring a civil action to seek any one or more of the following remedies:

(1) actual damages, as reasonably determined by the court, for injury or loss suffered;

(2) a civil penalty in an amount not to exceed \$2,000 for each violation;

(3) reasonable attorney's fees and court costs; and

(4) other equitable relief as the court may deem appropriate and just.

(b) The immigration or citizenship status of any person is irrelevant to any issue of liability or remedy in a civil action involving a tenant's housing rights. In proceedings or discovery undertaken in a civil action involving a tenant's housing rights, no inquiry shall be permitted into the tenant's immigration or citizenship status, except if:

(1) unless otherwise provided in subsection (e), the claims or defenses raised by the tenant place the person's immigration or citizenship status directly in contention; or

(2) the person seeking to make the inquiry demonstrates by clear and convincing evidence that the inquiry is necessary in order to comply with federal law.

(c) The assertion of an affirmative defense to an eviction action under Section 9-106.3 of the Code of Civil Procedure does not constitute cause for discovery or other inquiry into a person's immigration or citizenship status.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 905. The Code of Civil Procedure is amended by adding Section 9-106.3 as follows:

(735 ILCS 5/9-106.3 new)

Sec. 9-106.3. Affirmative defenses for retaliation on the basis of immigration status.

(a) It is an affirmative defense to an action maintained under this Article if the court finds that:

(1) the landlord's demand for possession is based solely or in part on the citizenship or immigration status of the tenant;

(2) the landlord's demand for possession is based solely or in part on the tenant's failure to provide a social security number, information required to obtain a consumer credit report, or a form of identification deemed acceptable by the landlord, and the lease with the tenant has commenced, and the tenant has taken possession.

(b) This Section does not prohibit a landlord from complying with any legal obligation under federal, State, or local law, including, but not limited to, any legal obligation under any government program that

provides for rent limitations or rental assistance to a qualified tenant or a subpoena, warrant, or other court order.

(c) This Section does not prohibit a landlord from requesting information or documentation necessary to determine or verify the financial qualifications of a prospective tenant.

(d) This Section does not prohibit a landlord from delivering to the tenant an oral or written notice regarding conduct by the tenant that violates, may violate, or has violated an applicable rental agreement, including the lease or any rule, regulation, or law.

(e) This Section does not enlarge or diminish a landlord's right to terminate a tenancy pursuant to existing State or local law, nor does this Section enlarge or diminish the ability of a unit of local government to regulate or enforce a prohibition against a landlord's harassment of a tenant.

Section 910. The Mobile Home Landlord and Tenant Rights Act is amended by changing Section 16 as follows:

(765 ILCS 745/16) (from Ch. 80, par. 216)

Sec. 16. Improper grounds for eviction. The following conduct by a tenant shall not constitute grounds for eviction or termination of the lease, nor shall an eviction order be entered against a tenant:

(a) As a reprisal for the tenant's effort to secure or enforce any rights under the lease or the laws of the State of Illinois, or its governmental subdivisions of the United States;

(b) As a reprisal for the tenant's good faith complaint to a governmental authority of the park owner's alleged violation of any health or safety law, regulation, code or ordinance, or State law or regulation which has as its objective the regulation of premises used for dwelling purposes;

(c) As a reprisal for the tenant's being an organizer or member of, or involved in any activities relative to a home owners association; -

(d) As a reprisal for or on the basis of the tenant's immigration or citizenship status.

(Source: P.A. 100-173, eff. 1-1-18.)

Section 999. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

### READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Castro, **Senate Bill No. 3103** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 33; NAYS 18.

The following voted in the affirmative:

Aquino	Curran	Lightford	Raoul
Bennett	Haine	Link	Rooney
Biss	Harmon	Martinez	Sims
Bush	Harris	McGuire	Steans
Castro	Holmes	Morrison	Van Pelt
Clayborne	Hunter	Mulroe	Mr. President
Collins	Jones, E.	Muñoz	
Cullerton, T.	Koehler	Murphy	
Cunningham	Landek	Nybo	

The following voted in the negative:

Anderson	McCann	Rezin	Syverson
Barickman	McCarter	Righter	Tracy

[May 9, 2018]

Bivins	McConchie	Rose	Weaver
Brady	McConnaughay	Sandoval	
Fowler	Oberweis	Schimpf	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Hutchinson asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 3103**.

### CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Holmes, **Senate Bill No. 1461**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Holmes moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 52; NAY 1.

The following voted in the affirmative:

Althoff	Curran	Martinez	Rooney
Anderson	Fowler	McCann	Rose
Aquino	Haine	McConchie	Sandoval
Barickman	Harmon	McConnaughay	Schimpf
Bennett	Harris	McGuire	Sims
Bertino-Tarrant	Holmes	Morrison	Stadelman
Biss	Hunter	Mulroe	Steans
Brady	Hutchinson	Muñoz	Tracy
Bush	Jones, E.	Murphy	Van Pelt
Castro	Koehler	Nybo	Mr. President
Clayborne	Landek	Oberweis	
Collins	Lightford	Raoul	
Cullerton, T.	Link	Rezin	
Cunningham	Manar	Righter	

The following voted in the negative:

McCarter

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1461**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Morrison, **Senate Bill No. 351**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Morrison moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Manar	Righter
Anderson	Cunningham	Martinez	Rooney
Aquino	Curran	McCann	Rose
Barickman	Fowler	McConchie	Sandoval
Bennett	Haine	McConnaughay	Schimpf
Bertino-Tarrant	Harmon	McGuire	Sims
Biss	Harris	Morrison	Stadelman
Bivins	Holmes	Mulroe	Stears
Brady	Hunter	Muñoz	Syverson
Bush	Hutchinson	Murphy	Tracy
Castro	Jones, E.	Nybo	Van Pelt
Clayborne	Koehler	Oberweis	Mr. President
Collins	Lightford	Raoul	
Connelly	Link	Rezin	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 351**.

Ordered that the Secretary inform the House of Representatives thereof.

### CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Mulroe moved that **Senate Resolution No. 1700**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Mulroe moved that Senate Resolution No. 1700 be adopted.

The motion prevailed.

And the resolution was adopted.

### READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator McConnaughay, **Senate Bill No. 2808** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Manar	Righter
Anderson	Cunningham	Martinez	Rooney
Aquino	Curran	McCann	Rose
Barickman	Fowler	McCarter	Sandoval
Bennett	Haine	McConnaughay	Schimpf
Bertino-Tarrant	Harmon	McGuire	Sims
Biss	Harris	Morrison	Stadelman
Bivins	Holmes	Mulroe	Stears
Brady	Hunter	Muñoz	Syverson
Bush	Hutchinson	Murphy	Tracy
Castro	Jones, E.	Nybo	Van Pelt
Clayborne	Koehler	Oberweis	Weaver
Collins	Lightford	Raoul	Mr. President
Connelly	Link	Rezin	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

[May 9, 2018]



Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator McConnaughay, **Senate Bill No. 2907** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Curran	McCarter	Rose
Anderson	Fowler	McConchie	Sandoval
Aquino	Haine	McConnaughay	Schimpf
Bennett	Harmon	McGuire	Sims
Bertino-Tarrant	Hunter	Morrison	Stadelman
Biss	Hutchinson	Mulroe	Steans
Bivins	Jones, E.	Muñoz	Syverson
Brady	Koehler	Murphy	Tracy
Bush	Landek	Nybo	Van Pelt
Castro	Lightford	Oberweis	Weaver
Clayborne	Link	Raoul	Mr. President
Collins	Manar	Rezin	
Cullerton, T.	Martinez	Righter	
Cunningham	McCann	Rooney	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

### SENATE BILL RECALLED

On motion of Senator McConnaughay, **Senate Bill No. 3027** was recalled from the order of third reading to the order of second reading.

Senator McConnaughay offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2 TO SENATE BILL 3027

AMENDMENT NO. 2. Amend Senate Bill 3027 on page 32, by replacing lines 4 through 12 with "4.03.3 from the Public Transportation Fund. Any Additional State Assistance and".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

### READING BILL OF THE SENATE A THIRD TIME

On motion of Senator McConnaughay, **Senate Bill No. 3027** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 56; NAYS None.

[May 9, 2018]

The following voted in the affirmative:

Althoff	Curran	McCann	Rose
Anderson	Fowler	McCarter	Sandoval
Barickman	Haine	McConchie	Schimpf
Bennett	Harmon	McConnaughay	Sims
Bertino-Tarrant	Harris	McGuire	Stadelman
Biss	Holmes	Morrison	Stears
Bivins	Hunter	Mulroe	Syverson
Brady	Hutchinson	Muñoz	Tracy
Bush	Jones, E.	Murphy	Van Pelt
Castro	Koehler	Nybo	Weaver
Clayborne	Landek	Oberweis	Mr. President
Collins	Lightford	Raoul	
Connelly	Link	Rezin	
Cullerton, T.	Manar	Righter	
Cunningham	Martinez	Rooney	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

#### SENATE BILL RECALLED

On motion of Senator McConnaughay, **Senate Bill No. 3141** was recalled from the order of third reading to the order of second reading.

Senator McConnaughay offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO SENATE BILL 3141

AMENDMENT NO. 1. Amend Senate Bill 3141 by replacing everything after the enacting clause with the following:

"Section 5. The Use Tax Act is amended by changing Section 11 as follows:  
(35 ILCS 105/11) (from Ch. 120, par. 439.11)

Sec. 11. Every retailer required or authorized to collect taxes hereunder and every person using in this State tangible personal property purchased at retail from a retailer on or after the effective date hereof shall keep such records, receipts, invoices and other pertinent books, documents, memoranda and papers as the Department shall require, in such form as the Department shall require. The Department may adopt rules that establish requirements, including record forms and formats, for records required to be kept and maintained by taxpayers. For purposes of this Section, "records" means all data maintained by the taxpayer, including data on paper, microfilm, microfiche or any type of machine-sensible data compilation. For the purpose of administering and enforcing the provisions hereof, the Department, or any officer or employee of the Department designated, in writing, by the Director thereof, may hold investigations and hearings concerning any matters covered herein and may examine any books, papers, records, documents or memoranda of any retailer or purchaser bearing upon the sales or purchases of tangible personal property, the privilege of using which is taxed hereunder, and may require the attendance of such person or any officer or employee of such person, or of any person having knowledge of the facts, and may take testimony and require proof for its information.

Any person who fails to keep books and records or fails to produce books and records for examination as required by this Section and the rules adopted by the Department, is liable to pay to the Department, for deposit into the Tax Compliance and Administration Fund, a penalty of \$1,000 for the first failure to keep books and records or produce books and records for examination and a penalty of \$3,000 for each subsequent failure to keep books and records or produce books and records for examination as required by this Section and the rules adopted by the Department.

(Source: P.A. 88-480.)

Section 10. The Service Use Tax Act is amended by changing Section 11 as follows:

[May 9, 2018]

(35 ILCS 110/11) (from Ch. 120, par. 439.41)

Sec. 11. Every serviceman required or authorized to collect taxes hereunder and every user who is subject to the tax imposed by this Act shall keep such records, receipts, invoices and other pertinent books, documents, memoranda and papers as the Department shall require, in such form as the Department shall require. The Department may adopt rules that establish requirements, including record forms and formats, for records required to be kept and maintained by taxpayers. For purposes of this Section, "records" means all data maintained by the taxpayer, including data on paper, microfilm, microfiche or any type of machine-sensible data compilation. For the purpose of administering and enforcing the provisions hereof, the Department, or any officer or employee of the Department designated, in writing, by the Director thereof, may hold investigations and hearings concerning any matters covered herein and not otherwise delegated to the Illinois Independent Tax Tribunal and may examine any relevant books, papers, records, documents or memoranda of any serviceman or any taxable purchaser for use hereunder, and may require the attendance of such person or any officer or employee of such person, or of any person having knowledge of the facts, and may take testimony and require proof for its information.

Any person who fails to keep books and records or fails to produce books and records for examination as required by this Section and the rules adopted by the Department, is liable to pay to the Department, for deposit into the Tax Compliance and Administration Fund, a penalty of \$1,000 for the first failure to keep books and records or produce books and records for examination and a penalty of \$3,000 for each subsequent failure to keep books and records or produce books and records for examination as required by this Section and the rules adopted by the Department.

(Source: P.A. 97-1129, eff. 8-28-12.)

Section 15. The Service Occupation Tax Act is amended by changing Section 11 as follows:

(35 ILCS 115/11) (from Ch. 120, par. 439.111)

Sec. 11. Every supplier required or authorized to collect taxes hereunder and every serviceman making sales of service in this State on or after the effective date hereof shall keep such records, receipts, invoices and other pertinent books, documents, memoranda and papers as the Department shall require, in such form as the Department shall require. The Department may adopt rules that establish requirements, including record forms and formats, for records required to be kept and maintained by taxpayers. For purposes of this Section, "records" means all data maintained by the taxpayer, including data on paper, microfilm, microfiche or any type of machine-sensible data compilation. For the purpose of administering and enforcing the provisions hereof, the Department, or any officer or employee of the Department designated, in writing, by the Director thereof, may hold investigations and hearings not otherwise delegated to the Illinois Independent Tax Tribunal concerning any matters covered herein and may examine any books, papers, records, documents or memoranda of any supplier or serviceman bearing upon the sales of services or the sales of tangible personal property to servicemen, and may require the attendance of such person or any officer or employee of such person, or of any person having knowledge of the facts, and may take testimony and require proof for its information.

Any person who fails to keep books and records or fails to produce books and records for examination as required by this Section and the rules adopted by the Department, is liable to pay to the Department, for deposit into the Tax Compliance and Administration Fund, a penalty of \$1,000 for the first failure to keep books and records or produce books and records for examination and a penalty of \$3,000 for each subsequent failure to keep books and records or produce books and records for examination as required by this Section and the rules adopted by the Department.

(Source: P.A. 97-1129, eff. 8-28-12.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Section 7 as follows:

(35 ILCS 120/7) (from Ch. 120, par. 446)

Sec. 7. Every person engaged in the business of selling tangible personal property at retail in this State shall keep records and books of all sales of tangible personal property, together with invoices, bills of lading, sales records, copies of bills of sale, inventories prepared as of December 31 of each year or otherwise annually as has been the custom in the specific trade and other pertinent papers and documents. Every person who is engaged in the business of selling tangible personal property at retail in this State and who, in connection with such business, also engages in other activities (including, but not limited to, engaging in a service occupation) shall keep such additional records and books of all such activities as will accurately reflect the character and scope of such activities and the amount of receipts realized therefrom. The Department may adopt rules that establish requirements, including record forms and formats, for records required to be kept and maintained by taxpayers. For purposes of this Section, "records" means all

data maintained by the taxpayer, including data on paper, microfilm, microfiche or any type of machine-sensible data compilation.

All books and records and other papers and documents which are required by this Act to be kept shall be kept in the English language and shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees.

To support deductions made on the tax return form, or authorized under this Act, on account of receipts from isolated or occasional sales of tangible personal property, on account of receipts from sales of tangible personal property for resale, on account of receipts from sales to governmental bodies or other exempted types of purchasers, on account of receipts from sales of tangible personal property in interstate commerce, and on account of receipts from any other kind of transaction that is not taxable under this Act, entries in any books, records or other pertinent papers or documents of the taxpayer in relation thereto shall be in detail sufficient to show the name and address of the taxpayer's customer in each such transaction, the character of every such transaction, the date of every such transaction, the amount of receipts realized from every such transaction and such other information as may be necessary to establish the non-taxable character of such transaction under this Act.

Except in the case of a sale to a purchaser who will always resell and deliver the property to his customers outside Illinois, anyone claiming that he has made a nontaxable sale for resale in some form as tangible personal property shall also keep a record of the purchaser's registration number or resale number with the Department.

It shall be presumed that all sales of tangible personal property are subject to tax under this Act until the contrary is established, and the burden of proving that a transaction is not taxable hereunder shall be upon the person who would be required to remit the tax to the Department if such transaction is taxable. In the course of any audit or investigation or hearing by the Department with reference to a given taxpayer, if the Department finds that the taxpayer lacks documentary evidence needed to support the taxpayer's claim to exemption from tax hereunder, the Department is authorized to notify the taxpayer in writing to produce such evidence, and the taxpayer shall have 60 days subject to the right in the Department to extend this period either on request for good cause shown or on its own motion from the date when such notice is sent to the taxpayer by certified or registered mail (or delivered to the taxpayer if the notice is served personally) in which to obtain and produce such evidence for the Department's inspection, failing which the matter shall be closed, and the transaction shall be conclusively presumed to be taxable hereunder.

Books and records and other papers reflecting gross receipts received during any period with respect to which the Department is authorized to issue notices of tax liability as provided by Sections 4 and 5 of this Act shall be preserved until the expiration of such period unless the Department, in writing, shall authorize their destruction or disposal prior to such expiration.

Any person who fails to keep books and records or fails to produce books and records for examination as required by this Section and the rules adopted by the Department, is liable to pay to the Department, for deposit into the Tax Compliance and Administration Fund, a penalty of \$1,000 for the first failure to keep books and records or produce books and records for examination and a penalty of \$3,000 for each subsequent failure to keep books and records or produce books and records for examination as required by this Section and the rules adopted by the Department.

(Source: P.A. 88-480.)

Section 25. The Cigarette Tax Act is amended by changing Sections 12, 13, 14, 15, 18b, and 18c and by adding Sections 13a, 15a, and 18d as follows:

(35 ILCS 130/12) (from Ch. 120, par. 453.12)

Sec. 12. Every distributor or secondary distributor who is required to procure a license under this Act and who purchases cigarettes for shipment into Illinois from a point outside this State shall procure invoices in duplicate covering each such shipment, shall make the invoices available for inspection upon demand by a duly authorized employee of the Department, and shall, if the Department so requires, furnish one copy of each such invoice to the Department at the time of filing a return or a report required by this Act.

(Source: P.A. 96-1027, eff. 7-12-10.)

(35 ILCS 130/13) (from Ch. 120, par. 453.13)

Sec. 13. Whenever any original package of cigarettes is found in the place of business or in the possession of any person who is not a licensed distributor under this Act without proper stamps affixed thereto, or an authorized substitute therefor imprinted thereon, underneath the sealed transparent wrapper of such original package, as required by this Act, the prima facie presumption shall arise that such original package of cigarettes is kept therein or is held by such person in violation of the provisions of this Act. If a presumption is raised, the Department may, in addition to the penalties imposed by Sections 18b and 18c

of this Act and any other civil or criminal penalties provided for in this Act, assess tax, penalty, and interest on the original packages of cigarettes.

(Source: Laws 1953, p. 255.)

(35 ILCS 130/13a new)

Sec. 13a. Contraband cigarettes. Whenever a retailer obtains original packages of cigarettes from an unlicensed in-State or out-of-State distributor or person, a prima facie presumption shall arise that such original packages of cigarettes are contraband and are possessed by such retailer or were possessed by such retailer in violation of the provisions of this Act and subject to the penalties imposed by Sections 18b and 18c of this Act. Invoices or other documents kept in the normal course of business in the possession of a retailer reflecting purchases of original packages of cigarettes from an unlicensed in-state or out-of-state distributor or person or invoices or other documents kept in the normal course of business obtained by the Department from an in-state or out-of-state distributor or person, are sufficient to raise the presumption that such original packages of cigarettes are contraband and are possessed, or were possessed, by such retailer in violation of the provisions of this Act and the retailer is subject to the penalties imposed by Sections 18b and 18c. If a presumption is raised, the Department may, in addition to the penalties imposed by Sections 18b and 18c and any other civil or criminal penalties provided for in this Act, assess tax, penalty, and interest on the original packages of cigarettes.

(35 ILCS 130/14) (from Ch. 120, par. 453.14)

Sec. 14. Any person required by this Act to keep records of any kind whatsoever, who shall fail to keep the records so required or who shall falsify such records, shall be guilty of a Class 4 felony. If a person fails to produce the records for inspection by the Department upon request, a prima facie presumption shall arise that the person has failed to keep the records so required. A person who is unable to rebut this presumption is in violation of this Act and is subject to the penalties provided in this Section.

(Source: P.A. 83-1428.)

(35 ILCS 130/15) (from Ch. 120, par. 453.15)

Sec. 15. Any person who shall fail to safely maintain and preserve the records required by Sections Section 11 , and Section 11a , 11b, and 11c of this Act for the period of 3 three years, as required therein, in such manner as to insure permanency and accessibility for inspection by the Department, shall be guilty of a business offense and may be fined up to \$5,000.

(Source: P.A. 96-1027, eff. 7-12-10.)

(35 ILCS 130/15a new)

Sec. 15a. Failure to keep and produce books and records. Any person who fails to keep books and records or fails to produce books and records for inspection, as required by Sections 11, 11a, 11b, and 11c of this Act, is liable to pay to the Department, for deposit in the Tax Compliance and Administration Fund, a penalty of \$1,000 for the first failure to keep books and records or failure to produce books and records for inspection, as required by Sections 11, 11a, 11b, and 11c, and \$3,000 for each subsequent failure to keep books and records or failure to produce books and records for inspection, as required by Sections 11, 11a, 11b, and 11c. The Department may adopt rules to administer the penalties under this Section.

(35 ILCS 130/18b) (from Ch. 120, par. 453.18b)

Sec. 18b. Possession of more than 100 original packages of contraband cigarettes; penalty. With the exception of licensed distributors and transporters, as defined in Section 9c of this Act, possessing unstamped original packages of cigarettes, and licensed distributors possessing original packages of cigarettes that bear a tax stamp of another state or taxing jurisdiction, anyone possessing or having possessed contraband cigarettes contained in original packages is liable to pay, to the Department for deposit in the Tax Compliance and Administration Fund, a penalty of \$25 for each such package of cigarettes in excess of 100 packages, unless reasonable cause can be established by the person upon whom the penalty is imposed. This penalty is in addition to the taxes imposed by this Act. Reasonable cause shall be determined in each situation in accordance with rules adopted by the Department. The provisions of the Uniform Penalty and Interest Act do not apply to this Section.

(Source: P.A. 96-782, eff. 1-1-10.)

(35 ILCS 130/18c)

Sec. 18c. Possession of not less than 10 and not more than 100 original packages of contraband cigarettes; penalty. With the exception of licensed distributors and transporters, as defined in Section 9c of this Act, possessing unstamped original packages of cigarettes, and licensed distributors possessing original packages of cigarettes that bear a tax stamp of another state or taxing jurisdiction, anyone possessing or having possessed not less than 10 and not more than 100 packages of contraband cigarettes contained in original packages is liable to pay to the Department, for deposit into the Tax Compliance and Administration Fund, a penalty of \$15 \$40 for each such package of cigarettes, unless reasonable cause can be established by the person upon whom the penalty is imposed. Reasonable cause shall be determined

in each situation in accordance with rules adopted by the Department. The provisions of the Uniform Penalty and Interest Act do not apply to this Section.

(Source: P.A. 96-782, eff. 1-1-10.)

(35 ILCS 130/18d new)

Sec. 18d. Cigarette package sizes; sale of individual or loose cigarettes prohibited. Cigarettes may only be sold in packages of 20 or 25 cigarettes. The sale of individual or loose cigarettes is prohibited. Any person who violates this Section of the Act is liable to pay to the Department, for deposit in the Tax Compliance and Administration Fund, a penalty of \$1,000 for the first violation and \$3,000 for any subsequent violation. Any person who violates this Section shall be guilty of a Class 4 felony. The Department may adopt rules to administer the penalties under this Section.

Section 30. The Cigarette Use Tax Act is amended by changing Sections 12, 22, 23, 25a, and 25b and by adding Sections 8a, 23a, and 25c as follows:

(35 ILCS 135/8a new)

Sec. 8a. Contraband cigarettes. Whenever any person obtains original packages of cigarettes from an unlicensed in-State or out-of-State distributor or person, a prima facie presumption shall arise that such original packages of cigarettes are contraband and are possessed or were possessed by such person in violation of the provisions of this Act and subject to the penalties imposed by Sections 25a and 25b. Invoices or other documents kept in the normal course of business in the possession of a person reflecting purchases of original packages of cigarettes from an unlicensed in-state or out-of-state distributor or person or invoices or other documents kept in the normal course of business obtained by the Department from an in-state or out-of-state distributor or person, are sufficient to raise the presumption that such original packages of cigarettes are contraband and are possessed, or were possessed, by such person in violation of the provisions of this Act and the person is subject to the penalties imposed by Sections 25a and 25b. If a presumption is raised, the Department may, in addition to the penalties imposed by Sections 25a and 25b and any other civil or criminal penalties provided for in this Act, assess tax, penalty, and interest on the original packages of cigarettes.

(35 ILCS 135/12) (from Ch. 120, par. 453.42)

Sec. 12. Declaration of possession of cigarettes on which tax not paid.

(a) When cigarettes are acquired for use in this State by a person (including a distributor as well as any other person), who did not pay the tax herein imposed to a distributor, the person, within 30 days after acquiring the cigarettes, shall file with the Department a return declaring the possession of the cigarettes and shall transmit with the return to the Department the tax imposed by this Act.

(b) On receipt of the return and payment of the tax as required by paragraph (a), the Department may furnish the person with a suitable tax stamp to be affixed to the package of cigarettes upon which the tax has been paid if the Department determines that the cigarettes still exist.

(c) The return referred to in paragraph (a) shall contain the name and address of the person possessing the cigarettes involved, the location of the cigarettes and the quantity, brand name, place, and date of the acquisition of the cigarettes.

(d) Nothing in this Section shall permit a secondary distributor to purchase unstamped original packages of cigarettes or to purchase original packages of cigarettes from a person other than a licensed distributor.

(e) Any distributor who violates this Section is liable to pay to the Department, for deposit in the Tax Compliance and Administration Fund, a penalty of \$1,000 for the first violation and \$3,000 for any subsequent violation. The Department may adopt rules to administer the penalties under this Section. The Department may, in addition to the penalties imposed by this Section, and any other civil or criminal penalties provided for in this Act, assess tax, penalty, and interest on the original packages of cigarettes.

(Source: P.A. 96-1027, eff. 7-12-10.)

(35 ILCS 135/22) (from Ch. 120, par. 453.52)

Sec. 22.

Any person required by this Act to maintain or keep records of any kind whatsoever, who shall fail to keep the records so required or who shall falsify such records, shall be guilty of a Class 4 felony A misdemeanor. If a person fails to produce the records for inspection by the Department upon request, a prima facie presumption shall arise that the person has failed to keep the records so required. A person who is unable to rebut this presumption is in violation of this Act and is subject to the penalties provided in this Section.

This Section shall not apply if the violation in a particular case also constitutes a criminal violation of the Cigarette Tax Act.

(Source: P.A. 77-2229.)

(35 ILCS 135/23) (from Ch. 120, par. 453.53)

[May 9, 2018]

Sec. 23. Any person who shall fail to safely preserve the records required by Section 15 and Section 15a of this Act for the period of three (3) years, as required therein, in such manner as to insure permanency and accessibility for inspection by the Department, shall be guilty of a business offense and may be fined up to \$5,000 One Thousand Dollars (\$1000).

This Section shall not apply if the violation in a particular case also constitutes a criminal violation of the Cigarette Tax Act.

(Source: P.A. 96-1027, eff. 7-12-10.)

(35 ILCS 135/23a new)

Sec. 23a. Failure to keep and produce books and records. Any person who fails to keep books and records or fails to produce books and records for inspection, as required by Sections 15 and 15a of this Act, is liable to pay to the Department, for deposit in the Tax Compliance and Administration Fund, a penalty of \$1,000 for the first failure to keep books and records or failure to produce books and records for inspection, as required by Sections 15 and 15a, and \$3,000 for each subsequent failure to keep books and records or failure to produce books and records for inspection, as required by Sections 15 and 15a. The Department may adopt rules to administer the penalties under this Section.

(35 ILCS 135/25a) (from Ch. 120, par. 453.55a)

Sec. 25a. Possession of more than 100 original packages of contraband cigarettes; penalty. With the exception of licensed distributors or transporters, as defined in Section 9c of the Cigarette Tax Act, possessing unstamped original packages of cigarettes, and licensed distributors possessing original packages of cigarettes that bear a tax stamp of another state or taxing jurisdiction, anyone possessing or having possessed more than 100 packages of contraband cigarettes contained in original packages is liable to pay, to the Department for deposit into the Tax Compliance and Administration Fund, a penalty of \$25 for each such package of cigarettes in excess of 100 packages, unless reasonable cause can be established by the person upon whom the penalty is imposed. Reasonable cause shall be determined in each situation in accordance with rules adopted by the Department. The provisions of the Uniform Penalty and Interest Act do not apply to this Section.

(Source: P.A. 96-782, eff. 1-1-10.)

(35 ILCS 135/25b)

Sec. 25b. Possession of not less than 10 and not more than 100 original packages not tax stamped or improperly tax stamped; penalty. With the exception of licensed distributors and transporters, as defined in Section 9c of the Cigarette Tax Act, possessing unstamped packages of cigarettes, and licensed distributors possessing original packages of cigarettes that bear a tax stamp of another state or taxing jurisdiction, anyone possessing or having possessed not less than 10 and not more than 100 packages of contraband cigarettes contained in original packages is liable to pay to the Department, for deposit into the Tax Compliance and Administration Fund, a penalty of \$20 for each such package of cigarettes, unless reasonable cause can be established by the person upon whom the penalty is imposed. Reasonable cause shall be determined in each situation in accordance with rules adopted by the Department. Any person who purchases and possesses a total of 9 or fewer original packages of unstamped cigarettes per month is exempt from the penalties of this Section. The provisions of the Uniform Penalty and Interest Act do not apply to this Section.

(Source: P.A. 96-782, eff. 1-1-10.)

(35 ILCS 135/25c new)

Sec. 25c. Cigarette package sizes; sale of individual or loose cigarettes prohibited. Cigarettes may only be sold in packages of 20 or 25 cigarettes. The sale of individual or loose cigarettes is prohibited. Any person who violates this Section is liable to pay to the Department, for deposit in the Tax Compliance and Administration Fund, a penalty of \$1,000 for the first violation and \$3,000 for any subsequent violation. Any person who violates this Section shall be guilty of a Class 4 felony. This Section shall not apply if the violation in a particular case also constitutes a violation of the Cigarette Tax Act.

Section 35. The Tobacco Products Tax Act of 1995 is amended by changing Sections 10-25, 10-35, 10-37, 10-40, and 10-50 and by adding Sections 10-35a and 10-38 as follows:

(35 ILCS 143/10-25)

Sec. 10-25. License actions.

(a) The Department may, after notice and a hearing, revoke, cancel, or suspend the license of any distributor or retailer who violates any of the provisions of this Act, fails to keep books and records as required under this Act, fails to make books and records available for inspection upon demand by a duly authorized employee of the Department, or violates a rule or regulation of the Department for the administration and enforcement of this Act. The notice shall specify the alleged violation or violations upon which the revocation, cancellation, or suspension proceeding is based.

(b) The Department may revoke, cancel, or suspend the license of any distributor for a violation of the Tobacco Product Manufacturers' Escrow Enforcement Act as provided in Section 20 of that Act.

(c) If the retailer has a training program that facilitates compliance with minimum-age tobacco laws, the Department shall suspend for 3 days the license of that retailer for a fourth or subsequent violation of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, as provided in subsection (a) of Section 2 of that Act. For the purposes of this Section, any violation of subsection (a) of Section 2 of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act occurring at the retailer's licensed location, during a 24-month period, shall be counted as a violation against the retailer.

If the retailer does not have a training program that facilitates compliance with minimum-age tobacco laws, the Department shall suspend for 3 days the license of that retailer for a second violation of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, as provided in subsection (a-5) of Section 2 of that Act.

If the retailer does not have a training program that facilitates compliance with minimum-age tobacco laws, the Department shall suspend for 7 days the license of that retailer for a third violation of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, as provided in subsection (a-5) of Section 2 of that Act.

If the retailer does not have a training program that facilitates compliance with minimum-age tobacco laws, the Department shall suspend for 30 days the license of a retailer for a fourth or subsequent violation of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, as provided in subsection (a-5) of Section 2 of that Act.

A training program that facilitates compliance with minimum-age tobacco laws must include at least the following elements: (i) it must explain that only individuals displaying valid identification demonstrating that they are 18 years of age or older shall be eligible to purchase cigarettes or tobacco products and (ii) it must explain where a clerk can check identification for a date of birth. The training may be conducted electronically. Each retailer that has a training program shall require each employee who completes the training program to sign a form attesting that the employee has received and completed tobacco training. The form shall be kept in the employee's file and may be used to provide proof of training.

(d) The Department may, by application to any circuit court, obtain an injunction restraining any person who engages in business as a distributor of tobacco products without a license (either because his or her license has been revoked, canceled, or suspended or because of a failure to obtain a license in the first instance) from engaging in that business until that person, as if that person were a new applicant for a license, complies with all of the conditions, restrictions, and requirements of Section 10-20 of this Act and qualifies for and obtains a license. Refusal or neglect to obey the order of the court may result in punishment for contempt.

(Source: P.A. 98-1055, eff. 1-1-16; 99-192, eff. 1-1-16.)

(35 ILCS 143/10-35)

Sec. 10-35. Record keeping.

(a) Every distributor, as defined in Section 10-5, shall keep complete and accurate records of tobacco products held, purchased, manufactured, brought in or caused to be brought in from without the State, and tobacco products sold, or otherwise disposed of, and shall preserve and keep all invoices, bills of lading, sales records, and copies of bills of sale, the wholesale price for tobacco products sold or otherwise disposed of, an inventory of tobacco products prepared as of December 31 of each year or as of the last day of the distributor's fiscal year if he or she files federal income tax returns on the basis of a fiscal year, and other pertinent papers and documents relating to the manufacture, purchase, sale, or disposition of tobacco products. Every sales invoice issued by a licensed distributor to a retailer in this State shall contain the distributor's Tobacco Products License number unless the distributor has been granted a waiver by the Department in response to a written request in cases where (i) the distributor sells little cigars or other tobacco products only to licensed retailers that are wholly-owned by the distributor or owned by a wholly-owned subsidiary of the distributor; (ii) the licensed retailer obtains little cigars or other tobacco products only from the distributor requesting the waiver; and (iii) the distributor affixes the tax stamps to the original packages of little cigars or has or will pay the tax on the other tobacco products sold to the licensed retailer. The distributor shall file a written request with the Department, and, if the Department determines that the distributor meets the conditions for a waiver, the Department shall grant the waiver.

(b) Every retailer, as defined in Section 10-5, whether or not the retailer has obtained a retailer's license pursuant to Section 4g, shall keep complete and accurate records of tobacco products held, purchased, sold, or otherwise disposed of, and shall preserve and keep all invoices, bills of lading, sales records, and copies of bills of sale, returns and other pertinent papers and documents relating to the purchase, sale, or disposition of tobacco products. Such records need not be maintained on the licensed premises, but must



be maintained in the State of Illinois; however, if access is available electronically, the records may be maintained out of state. However, all original invoices or copies thereof covering purchases of tobacco products must be retained on the licensed premises for a period of 90 days after such purchase, unless the Department has granted a waiver in response to a written request in cases where records are kept at a central business location within the State of Illinois or in cases where records that are available electronically are maintained out of state. The Department shall adopt rules regarding the eligibility for a waiver, revocation of a waiver, and requirements and standards for maintenance and accessibility of records located at a central location out-of-State pursuant to a waiver provided under this Section.

(c) Books, records, papers, and documents that are required by this Act to be kept shall, at all times during the usual business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees. The books, records, papers, and documents for any period with respect to which the Department is authorized to issue a notice of tax liability shall be preserved until the expiration of that period.

(Source: P.A. 98-1055, eff. 1-1-16; 99-192, eff. 1-1-16.)

(35 ILCS 143/10-35a new)

Sec. 10-35a. Failure to keep and produce books and records. Any person who fails to keep books and records or fails to produce books and records for inspection, as required by Section 10-35, is liable to pay to the Department, for deposit in the Tax Compliance and Administration Fund, a penalty of \$1,000 for the first failure to keep books and records or failure to produce books and records for inspection, as required by Section 10-35, and \$3,000 for each subsequent failure to keep books and records or failure to produce books and records for inspection, as required by Section 10-35. The Department may adopt rules to administer the penalties under this Section.

(35 ILCS 143/10-37)

Sec. 10-37. Proof of payment of tax imposed by this Act. Every licensed distributor of tobacco products in this State is required to show proof of the tax having been paid as required by this Act by displaying its Tobacco Products License number on every sales invoice issued to a retailer in this State. No retailer shall possess tobacco products without either a proper invoice indicating that the tobacco products tax was paid by a distributor for the tobacco products in the retailer's possession or other proof that the tax was paid by the retailer if it has purchased tobacco products on which tax has not been paid as required by this Act. Failure to comply with the provisions of this paragraph may be grounds for revocation of a distributor's or retailer's license in accordance with Section 10-25 of this Act or Section 6 of the Cigarette Tax Act. In addition, the Department may impose a civil penalty not to exceed \$1,000 for the first violation and \$3,000 for each subsequent violation, which shall be deposited into the Tax Compliance and Administration Fund.

(Source: P.A. 98-1055, eff. 1-1-16.)

(35 ILCS 143/10-38 new)

Sec. 10-38. Presumption for out-of-state or unlicensed distributors. Whenever any person obtains tobacco products from an unlicensed in-State or out-of-State distributor or person, a prima facie presumption shall arise that the tax imposed by this Act on such tobacco products has not been paid in violation of this Act. Invoices or other documents kept in the normal course of business in the possession of a person reflecting purchases of tobacco products from an unlicensed in-state or out-of-state distributor or person or invoices or other documents kept in the normal course of business obtained by the Department from in-state or out-of-state distributors or persons, are sufficient to raise the presumption that the tax imposed by this Act has not been paid. If a presumption is raised, the Department may assess tax penalty and interest on the tobacco products. In addition, any person who violates this Section is liable to pay to the Department, for deposit in the Tax Compliance and Administration Fund, a penalty of \$1,000 for the first violation and \$3,000 for any subsequent violation. The Department may adopt rules to administer the penalties under this Section.

(35 ILCS 143/10-40)

Sec. 10-40. Invoices. Every distributor or other person who purchases tobacco products for resale for shipment into Illinois from a point outside Illinois shall procure invoices in duplicate covering each shipment and shall make the invoices available for inspection upon demand by a duly authorized employee of the Department, and shall, if the Department so requires, furnish one copy of each invoice to the Department at the time of filing the return required by this Act.

(Source: P.A. 89-21, eff. 6-6-95.)

(35 ILCS 143/10-50)

Sec. 10-50. Violations and penalties. When the amount due is under \$300, any distributor who fails to file a return, willfully fails or refuses to make any payment to the Department of the tax imposed by this Act, or files a fraudulent return, or any officer or agent of a corporation engaged in the business of distributing tobacco products to retailers and consumers located in this State who signs a fraudulent return

filed on behalf of the corporation, or any accountant or other agent who knowingly enters false information on the return of any taxpayer under this Act is guilty of a Class 4 felony.

Any person who violates any provision of Section 10-20, 10-21, or 10-22 of this Act, fails to keep books and records as required under this Act, or willfully violates a rule or regulation of the Department for the administration and enforcement of this Act is guilty of a Class 4 felony. A person commits a separate offense on each day that he or she engages in business in violation of Section 10-20, 10-21, or 10-22 of this Act. If a person fails to produce the books and records for inspection by the Department upon request, a prima facie presumption shall arise that the person has failed to keep books and records as required under this Act. A person who is unable to rebut this presumption is in violation of this Act and is subject to the penalties provided in this Section.

When the amount due is under \$300, any person who accepts money that is due to the Department under this Act from a taxpayer for the purpose of acting as the taxpayer's agent to make the payment to the Department, but who fails to remit the payment to the Department when due, is guilty of a Class 4 felony.

Any person who violates any provision of Sections 10-20, 10-21 and 10-22 of this Act, fails to keep books and records as required under this Act, or willfully violates a rule or regulation of the Department for the administration and enforcement of this Act is guilty of a business offense and may be fined up to \$5,000. If a person fails to produce books and records for inspection by the Department upon request, a prima facie presumption shall arise that the person has failed to keep books and records as required under this Act. A person who is unable to rebut this presumption is in violation of this Act and is subject to the penalties provided in this Section. A person commits a separate offense on each day that he or she engages in business in violation of Sections 10-20, 10-21 and 10-22 of this Act.

When the amount due is \$300 or more, any distributor who files, or causes to be filed, a fraudulent return, or any officer or agent of a corporation engaged in the business of distributing tobacco products to retailers and consumers located in this State who files or causes to be filed or signs or causes to be signed a fraudulent return filed on behalf of the corporation, or any accountant or other agent who knowingly enters false information on the return of any taxpayer under this Act is guilty of a Class 3 felony.

When the amount due is \$300 or more, any person engaged in the business of distributing tobacco products to retailers and consumers located in this State who fails to file a return, willfully fails or refuses to make any payment to the Department of the tax imposed by this Act, or accepts money that is due to the Department under this Act from a taxpayer for the purpose of acting as the taxpayer's agent to make payment to the Department but fails to remit such payment to the Department when due is guilty of a Class 3 felony.

When the amount due is under \$300, any retailer who fails to file a return, willfully fails or refuses to make any payment to the Department of the tax imposed by this Act, or files a fraudulent return, or any officer or agent of a corporation engaged in the retail business of selling tobacco products to purchasers of tobacco products for use and consumption located in this State who signs a fraudulent return filed on behalf of the corporation, or any accountant or other agent who knowingly enters false information on the return of any taxpayer under this Act is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for each subsequent offense.

When the amount due is \$300 or more, any retailer who fails to file a return, willfully fails or refuses to make any payment to the Department of the tax imposed by this Act, or files a fraudulent return, or any officer or agent of a corporation engaged in the retail business of selling tobacco products to purchasers of tobacco products for use and consumption located in this State who signs a fraudulent return filed on behalf of the corporation, or any accountant or other agent who knowingly enters false information on the return of any taxpayer under this Act is guilty of a Class 4 felony.

Any person whose principal place of business is in this State and who is charged with a violation under this Section shall be tried in the county where his or her principal place of business is located unless he or she asserts a right to be tried in another venue. If the taxpayer does not have his or her principal place of business in this State, however, the hearing must be held in Sangamon County unless the taxpayer asserts a right to be tried in another venue.

Any taxpayer or agent of a taxpayer who with the intent to defraud purports to make a payment due to the Department by issuing or delivering a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository, is guilty of a deceptive practice in violation of Section 17-1 of the Criminal Code of 2012.

A prosecution for a violation described in this Section may be commenced within 3 years after the commission of the act constituting the violation.

(Source: P.A. 100-201, eff. 8-18-17.)

(35 ILCS 143/10-36 rep.)

Section 40. The Tobacco Products Tax Act of 1995 is amended by repealing Section 10-36.

[May 9, 2018]

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

### READING BILL OF THE SENATE A THIRD TIME

On motion of Senator McConnaughay, **Senate Bill No. 3141** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	McCann	Rose
Anderson	Curran	McCarter	Sandoval
Aquino	Fowler	McConchie	Schimpf
Barickman	Haine	McConnaughay	Sims
Bennett	Harmon	McGuire	Stadelman
Bertino-Tarrant	Holmes	Mulroe	Steans
Biss	Hunter	Muñoz	Syverson
Bivins	Hutchinson	Murphy	Tracy
Brady	Jones, E.	Nybo	Van Pelt
Bush	Koehler	Oberweis	Weaver
Castro	Landek	Raoul	Mr. President
Clayborne	Lightford	Rezin	
Connelly	Link	Righter	
Cullerton, T.	Martinez	Rooney	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

### MESSAGE FROM THE PRESIDENT

#### OFFICE OF THE SENATE PRESIDENT STATE OF ILLINOIS

JOHN J. CULLERTON  
SENATE PRESIDENT

327 STATE CAPITOL  
SPRINGFIELD, IL 62706  
217-782-2728

May 9, 2018

Mr. Tim Anderson  
Secretary of the Senate  
Room 401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

[May 9, 2018]

Pursuant to Rule 3-2(c), I hereby appoint Senator Linda Holmes to temporarily replace Senator Ira I. Silverstein as a member of the Senate Executive Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Executive Committee.

Sincerely,  
s/John J. Cullerton  
John J. Cullerton  
Senate President

cc: Senate Minority Leader William Brady

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

JOHN J. CULLERTON  
SENATE PRESIDENT

327 STATE CAPITOL  
SPRINGFIELD, IL 62706  
217-782-2728

May 9, 2018

Mr. Tim Anderson  
Secretary of the Senate  
Room 401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Julie Morrison to temporarily replace Senator William Haine as a member of the Senate Insurance Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Insurance Committee.

Sincerely,  
s/John J. Cullerton  
John J. Cullerton  
Senate President

cc: Senate Minority Leader William Brady

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

JOHN J. CULLERTON  
SENATE PRESIDENT

327 STATE CAPITOL  
SPRINGFIELD, IL 62706  
217-782-2728

May 9, 2018

Mr. Tim Anderson  
Secretary of the Senate  
Room 401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Jennifer Bertino-Tarrant to temporarily replace Senator Michael Hastings as a member of the Senate Insurance Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Insurance Committee.

Sincerely,

[May 9, 2018]

s/John J. Cullerton  
John J. Cullerton  
Senate President

cc: Senate Minority Leader William Brady

**COMMUNICATION**

**ILLINOIS HOUSE OF REPRESENTATIVES  
STATE OF ILLINOIS  
DAVID ALLEN WELTER  
STATE REPRESENTATIVE · 75<sup>TH</sup> DISTRICT**

May 9, 2018

Tim Anderson  
Secretary of the Illinois Senate  
Room 401 State Capitol  
Springfield, IL 62706

**Notice for Substitute Senate Sponsorship**

Pursuant to Senate Rule 5-1(c), I request that the principal Senate sponsorship of House Bill 4932 be substituted.

Please remove Senator Emil Jones III as the primary sponsor and assign primary sponsorship to Senator Linda Holmes.

I certify that the original primary sponsor has been provided with notice of my intent to request a substitute sponsor.

Respectfully,  
s/David Allen Welter  
Representative David Welter

\*\*\*\*\*

I accept primary sponsorship of House Bill 4932 at the request of the Representative.

s/Linda Holmes  
Senator Linda Holmes

Under the rules, the foregoing request for substitute sponsorship was referred to the Committee on Assignments.

At the hour of 3:00 o'clock p.m., the Chair announced that the Senate stands adjourned until Thursday, May 10, 2018, at 11:00 o'clock a.m.

[May 9, 2018]